

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARIE L. KNARR,

Plaintiff,

vs.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration;

Defendant.

4:12CV3192

ORDER

This matter is before the court on plaintiff's motions for attorney fees, Filing No. [28](#) and Filing No. [29](#), and a motion by the plaintiff to stay the proceedings, Filing No. [30](#). Plaintiff requests an award of fees for attorney Linda Jewson pursuant to the Equal Access to Justice Act ("EAJA"), [28 U.S.C. § 2412](#), in the amount of \$5,914.44, which represents 31.5 hours of work at an hourly rate of \$187.76. Filing No. [29](#). Plaintiff further requests a fee for attorney Harvey G. Froscheiser, for 13.75 hours of work at a rate of \$125.00 per hour. Filing No. [28](#). The court has been informed that the parties have agreed that a fair and reasonable award is \$5,418.30 for plaintiff's attorney Linda Jewson, and a fee of \$2,581.70 for attorney Harvey Froscheiser. Filing No. [34](#). The court has carefully reviewed the record and finds these fees and hourly rates are both fair and reasonable to award to plaintiff who is the prevailing party in this case.

The plaintiff further moves the court to stay any further proceedings on the issue of whether she is entitled to attorney fees under [42 U.S.C. § 406\(b\)](#). The case is currently on remand to determine benefits due and payable to the plaintiff, and until benefits are determined, a calculation cannot be made under § 406(b). Accordingly, the court will grant plaintiff's motion to stay. Plaintiff must notify the court as soon as the

stay can be lifted and must further notify the court whether she intends to seek additional fees under § 406(b).

THEREFORE, IT IS ORDERED:

1. Plaintiff's motions for attorney fees, Filing No. [28](#) and Filing No. [29](#), are granted. The court awards \$5,418.30 to plaintiff's attorney Linda Jewson and \$2,581.70 to attorney Harvey Froscheiser.

2. Plaintiff's motion to stay, Filing No. [30](#), is granted as set forth herein.

Dated this 20th day of November, 2013.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge